

COLLEGE STUDENT AID COMMISSION[283]

Adopted and Filed

Rule making related to mental health professional loan repayment program

The College Student Aid Commission hereby adopts new Chapter 31, “Mental Health Professional Loan Repayment Program,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 261.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, House File 2549.

Purpose and Summary

This rule making implements a new loan repayment program enacted by 2022 Iowa Acts, House File 2549.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 14, 2022, as **ARC 6759C**. No public comments were received. One change from the Notice has been made. A reference to 2022 Iowa Acts, House File 2549, has been removed in the implementation sentence of Chapter 31 since the amendments in the House File have been codified in the 2023 Iowa Code.

Adoption of Rule Making

This rule making was adopted by the Commission on January 20, 2023.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 283—Chapter 7.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 15, 2023.

The following rule-making action is adopted:

Adopt the following **new** 283—Chapter 31:

CHAPTER 31
MENTAL HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM

283—31.1(261) Definitions.

“Eligible institution” means an institution of higher learning governed by the state board of regents or an accredited private institution as defined in Iowa Code section 261.9.

“Eligible loan” means the total subsidized, unsubsidized, and consolidated Federal Stafford Loan amount under the Federal Family Education Loan Program, Federal Direct Loan Program, federal Graduate PLUS Loan, or federal Perkins Loan, including principal and interest. Only the outstanding portion of a federal consolidation loan that was used to repay an eligible subsidized or unsubsidized Federal Stafford Loan, Federal Direct Loan, federal Graduate PLUS Loan, or federal Perkins Loan qualifies for loan repayment. An individual who signs a program agreement to receive loan repayment under this program and who refinances an eligible loan by obtaining a private educational loan may continue to receive loan repayment awards.

“Eligible practice area” means a location in Iowa that is within a federal mental health shortage area, as designated by the health resources and services administration of the United States Department of Health and Human Services. Mental health professionals who serve clients who reside in eligible practice areas, including rural locations outside of city limits but within the federal mental health shortage area, are eligible to receive the loan repayment award if they are serving those clients on at least a part-time basis. If the designation status of a mental health shortage area is removed after the mental health professional signs an agreement, the mental health professional will continue to qualify for loan repayments provided that all other provisions of the agreement continue to be met.

“Full-time” means that an average of at least 40 hours per week are spent providing services as a mental health professional to clients in eligible practice areas.

“Mental health professional” means a nonprescribing individual who meets all of the following qualifications:

1. The individual holds at least a master’s degree from an eligible institution in a mental health field, including psychology, counseling and guidance, social work, marriage and family therapy, or mental health counseling.
2. The individual has at least two years of post-master’s degree clinical experience, supervised by another individual in the mental health field, in assessing and diagnosing mental health needs and problems and in providing mental health counseling services to individuals or groups on a full-time or part-time basis.
3. The individual holds a current practitioner’s license issued by an agency or board under the Iowa department of public health or its successor agency, authorizing the individual to practice as a licensed psychologist, licensed independent social worker or licensed master social worker, licensed marriage and family therapist, or licensed mental health counselor.

“Part-time” means that an average of at least 28 hours, but fewer than 40 hours, per week are spent providing services as a mental health professional to clients in eligible practice areas.

283—31.2(261) Eligibility criteria.

31.2(1) *Eligible applicant.* An eligible applicant is a mental health professional or a person who agrees to become a mental health professional, agrees to sign a program agreement, and agrees to complete the obligation.

31.2(2) *Program agreement.* The program agreement specifies the obligation and other details pertaining to the program.

31.2(3) *Obligation.* An eligible applicant must agree to provide services as a mental health professional in an eligible practice area or eligible practice areas on a full-time basis for five consecutive years unless granted a waiver for part-time practice.

283—31.3(261) Awarding and payment of funds.

31.3(1) *Selection criteria.* New program agreements will be entered into with eligible applicants who are mental health professionals or agree to become mental health professionals.

31.3(2) *Priority for awards.* In the event that funding is insufficient to award all new eligible applicants, eligible applicants will be prioritized as follows:

a. Eligible applicants who are Iowa residents or eligible applicants who are members of the Iowa national guard, if requested by the adjutant general. Members of the Iowa national guard must have satisfactorily completed required guard training and must maintain satisfactory performance of guard duty. In the event that funding is insufficient to award all new eligible applicants who meet these criteria, selection of new eligible applicants will be further prioritized as follows:

(1) Eligible applicants who are students in their final year of the degree program that leads to their qualification as a mental health professional, according to the date the application was received by the commission.

(2) Eligible applicants completing the two-year post-degree clinical experience required to be a mental health professional, according to the date the application was received by the commission.

(3) All other eligible applicants based on the fiscal year in which the eligible applicant met the requirements of a mental health professional, with priority given to those meeting the requirements in the most recent fiscal year. In the event that funding is insufficient to award all new eligible applicants who met the requirements of a mental health professional within a given fiscal year, eligible applicants who met the criteria in that fiscal year will be prioritized according to the date the application was received by the commission.

b. Eligible applicants who are not Iowa residents and are not members of the Iowa national guard requested by the adjutant general. In the event that funding is insufficient to award all new eligible applicants who meet these criteria, selection of new eligible applicants will be further prioritized as follows:

(1) Eligible applicants who are students in their final year of the degree program that leads to their qualification as a mental health professional, according to the date the application was received by the commission.

(2) Eligible applicants completing the two-year post-degree clinical experience required to be a mental health professional, according to the date the application was received by the commission.

(3) Other eligible applicants based on the fiscal year in which the eligible applicant met the requirements of a mental health professional, with priority given to those meeting the requirements in the most recent fiscal year. In the event that funding is insufficient to award all new eligible applicants who met the requirements of a mental health professional within a given fiscal year, eligible applicants who met the criteria in that fiscal year will be prioritized according to the date the application was received by the commission.

31.3(3) *Mental health professional service requirement.* The service requirement for a full-time mental health professional is five years. The service requirement for a mental health professional who is granted a waiver for part-time practice will not exceed seven consecutive years. The mental health professional must annually verify, in a format acceptable to the commission, that the mental health professional provided mental health services in an eligible practice area or eligible practice areas on a full-time basis, or on a part-time basis if a waiver for part-time practice is granted, for each year of required service.

31.3(4) *Award amounts.* A mental health professional may receive up to \$40,000. The maximum award will be paid after the service requirement is completed.

31.3(5) *Award proration and disbursement.* An award will not exceed the outstanding balance of the mental health professional's eligible loans.

283—31.4(261) Part-time practice. The commission may waive the requirement that the mental health professional be employed full time if the mental health professional requests a waiver from the commission in writing and provides mental health services in eligible practice areas at least 28 hours per 40-hour workweek. If a waiver request is granted by the commission, the agreement will be amended to provide an allowance for part-time employment. The five-year employment obligation will be proportionally extended to ensure the mental health professional provides mental health services in eligible practice areas for the equivalent of five full-time years, not to exceed a total of seven consecutive years.

283—31.5(261) Satisfaction of employment obligation. All obligations under the mental health professional loan repayment program are considered to be satisfied when any of the following conditions are met:

1. All terms of the agreement are met.
2. The person who entered into the agreement dies.
3. The person who entered into the agreement, due to permanent disability, is unable to meet the requirements of these rules.
4. The person who entered into the agreement has no remaining eligible loan balance to repay.

283—31.6(261) Restrictions. A recipient of an award under Iowa Code section 261.114 shall not be eligible for an award under this chapter. A mental health professional who is in default on a Stafford loan, SLS Loan, Grad PLUS Loan, or a Perkins/National Direct/National Defense Student Loan or who owes a repayment on any Title IV grant assistance or state award shall be ineligible for repayment benefits. Eligibility for state aid may be reinstated upon payment in full of the delinquent obligation or by commission ruling on the basis of adequate extenuating evidence presented in appeal under the procedures set forth in 283—Chapter 5.

These rules are intended to implement Iowa Code section 261.117.

[Filed 1/20/23, effective 3/15/23]

[Published 2/8/23]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/8/23.